

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

WILLIAM T. ALLEN,

Petitioner,

V.

WARDEN, TOLEDO CORRECTIONAL  
INSTITUTION,

Respondent.

CASE NO. 2:12-CV-154

Judge Sargus

Magistrate Judge King

**ORDER**

On December 7, 2012, the United States Magistrate Judge issued a *Report and Recommendation* recommending that the petition for a writ of habeas corpus be dismissed, reasoning that petitioner's claims were defaulted or were without merit. *Report and Recommendation*, Doc. No. 18. Petitioner has filed objections to that recommendation. *Objection*, Doc. No. 23. Petitioner has also asked that counsel be appointed for him. *Motion to Appoint Counsel*, Doc. No. 22.


Petitioner asks that this Court conduct a "plain error" review of his defaulted claims. However, this Court is without authority to consider procedurally defaulted claims – whether for plain error or otherwise. *See Murray v. Carrier*, 477 U.S. 478, 485 (1986).

Petitioner also raises all of the same arguments that he previously presented. *See Objection*. For the reasons already detailed in the Magistrate Judge's exhaustive *Report and Recommendation*, petitioner's objection are **OVERRULED**.

The *Report and Recommendation*, Doc. No. 18, is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

Petitioner's request for the appointment of counsel, ECF No. 22, is **DENIED**.

The Clerk is **DIRECTED** to enter **FINAL JUDGMENT** in this case.

  
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EDMUND A. SARGUS, JR.  
United States District Judge

Date 5-8-2013